S.B. Civil Writ Petition No.386/02
Babu Khan Vs. Executive Officer & Anr.

Date of Order : 06/03/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Subodh Sharma, for petitioner
Mr. K.N. Gupta, for respondents

Instant petition has been filed against the impugned award dt.19th September, 2001 [Ann.8] whereby the claim application of the petitioner was rejected on the premise that for grant of regular pay scale and so also for regularization of service, his claim cannot be considered in the light of restriction imposed under Rajasthan [Regulation of Appointments to Public Services & Rationalization of Staff] Act, 1999.

It has been brought to my notice that the impugned provisions of the Act of 1999 have been declared to be ultra vires by this court in **Bhawani Singh & 17 Ors. Vs. State of Rajasthan & Ors. [WLC 2002 (3) 728]**. This position has not been disputed by the counsel for respondents as well.

I also find from the impugned award that grievance raised by the petitioner has not been

considered on merits at all. Accordingly, the award passed by the Tribunal dt.19th September, 2001 stands quashed and set aside and the matter is remanded back to the Industrial Tribunal, Kota where both the parties are directed to lead their evidence and the Tribunal is also directed to dispose of the reference expeditiously as possible in accordance with law.

[Ajay Rastogi],J.

FRB